Applicants: Hannebauer et al.	Confirmation No. 9231
Application No.: 10/781,349	Attorney Docket No: 7390-X04-029
Filed: 02/17/2004	Group Art Unit: 2178
For: Method of Entering a Presentation into a Computer	Examiner: ABDUL-ALI, Omar R.

RESPONSE TO OFFICE ACTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Abdul-Ali:

In reply to the Office Action mailed December 11, 2007, Applicants hereby submit the following declaration, remarks, and requests for reconsideration. Applicants submit this evidence and remarks serve to clarify the present invention and are independent of patentability.

To review the instant case's recent procedural posture, in response to the July 30, 2007 final Office action, a Response, Declaration under Rule 1.131, and RCE were submitted on October 23, 2007. A supplemental response was filed on November 29, 2007, and included an incomplete copy of evidence (one of the inventor's graduate thesis) to support the previously-submitted Declaration. A second supplemental response was filed on December 12, 2007, that included a complete copy of the evidence. In a teleconference with the Examiner on December 13, 2007, the Examiner denied entry of the second supplemental response in light of the mailing of the instant Office action.

The Declaration under Rule 1.131 and (complete copy) of the Evidence are being resubmitted and should antedate the primary reference for the reasons detailed below.

In items 1-4 of the Office action, the Examiner ruled the Affidavit with (incomplete) evidence did not show reduction to practice in a WTO member country prior to the effective date of Jaeger (US 2005/0068290).

The complete version of the thesis titled, "A GUI-based Interaction Concept for Efficient Slide Layout" shows that one of the inventors, Volker C. Schöch, reduced the invention as claimed to practice at least as early as February, 2003, in a WTO member country (Germany) before the effect date of Jaeger (US 2005/0068290), which is September 28, 2003.

Chapter 5 of the Thesis shows that the invention as claimed was actually reduced to practice at least as early as the writing of the thesis. Chapter 5 describes an algorithm for creating a movable gridline that matches a previously-unmatched gridline of an object. *See especially* § 5.2.2 ad Figs. 44 and 46.

Chapter 6 of the Thesis further shows that the invention as claimed was actually reduced to practice at least as early as the writing of the thesis by showing that the method was tested and produced results that were compared to the prior art.

The previously submitted Declaration under Rule 1.131 in view of the complete Thesis shows that the inventors conceived and reduced to practice the invention as claimed at least as early as February 2003.

Therefore, under 37 CFR 1.131, the inventors have shown that the invention as claimed was invented before the effective date of Jaeger (US 2005/0068290). Accordingly, Jaeger (US 2005/0068290) is unavailable as prior art.

In item 6 of the Office action, the Examiner rejected claims 1-40 as being unpatentable over Jaeger '290 in view of Farrah '997 and Balthaser '180 under 35 USC § 103(a). For the reasons stated previously in this response, Jaeger '290 is unavailable as prior art. Without Jaeger, the other references fail to make a *prima facie* case of obviousness as is required under 35 USC § 103(a). Accordingly, claims 1-40 are patentable.

While the declaration is sufficient to remove the primary reference, Applicants have further comments explaining the invention and differentiating the prior-art references.

With regard to the rejection of Claims 5, 12 and 19, the invention does NOT "assign constraints to a subset of graphical objects by following the rules set by an automatic constraint solver". Actually, it is the other way round; the grid lines of containers and graphical objects impose a constraint system that is fed into a constraint solver. As its name implies, the constraint solver does not set rules for assigning constraints--it solves them. The result is a position assignment for the grid lines and therefore for the graphical elements. In this regard, the constraint system is different.

With regard to claims 24, 30, and 37, Balthaser '180 does not mention anything about sizing objects according to the guides.

With regard to claims 27 and 33, Balthaser '180 does not mention anything about maintaining the spacing of graphical elements to guides, setting an aspect ratio, maintaining a minimum size or text formatting.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated because this should expedite the prosecution of the application for all concerned.

No fee is believed due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 50-0601 (Docket No. 7390-X04-029).

Respectfully submitted,

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